

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Toshiyuki KOMORI

Application No.: 10/560,736

Confirmation No.: 3727

Filed: December 15, 2005

Art Unit: Not Yet Assigned

For: METHOD FOR IMPROVING FERTILITY OF
HYBRID PLANTS COMPRISING PLACING
FERTILITY RESTORER GENES INTO
MULTIPLE GENE LOCI (as amended)

Examiner: Not Yet Assigned

RESPONSE TO NOTIFICATION OF MISSING REQUIREMENTS

MS PCT
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the Notification of Missing Requirements dated January 22, 2007,
Applicant respectfully submits:

- Attached is a copy of the Notification of Missing Requirements (371 Formalities Letter).**
- Attached is a copy of the Executed Declaration and Power of Attorney.**
- The specification attached to the executed Declaration and Power of Attorney is a true copy of the specification that was filed in the U.S. Patent and Trademark Office on December 15, 2005, including any amendments thereto (if applicable) filed on even date therewith.

- The undersigned hereby declares that "Attorney Docket No. 0230-0232PUS1" on page 1 of the attached Inventors' Declaration corresponds to Appl. No. 10/560,736 filed December 15, 2005, entitled "METHOD FOR IMPROVING FERTILITY OF HYBRID PLANTS COMPRISING PLACING FERTILITY RESTORER GENES INTO MULTIPLE GENE LOCI."**
- Attached is a verified English language translation of the above-identified application that was filed in a foreign language, which should be used as the copy for examination purposes.**
- See the attached Translator's Verification**
- The undersigned states that the English translation attached hereto is a true and correct translation of the application as originally filed in a foreign language.
- Attached are 10 sheet(s) of drawings. Please substitute these replacement drawings for the corresponding 10 sheet(s) of drawings on file in the above-identified application.**
- Attached are substitute claims commencing on a separate sheet in accordance with 37 C.F.R. § 1.75(h).
- Attached is a substitute abstract commencing on a separate sheet in accordance with 37 C.F.R. § 1.72(b).
- Attached is a substitute specification that complies with 37 C.F.R. § 1.52. The substitute specification does not contain new matter.
- Attached is a preliminary amendment.**
- Applicant claims small entity status under 37 C.F.R. § 1.27.
- Attached is a Supplemental Application Data Sheet (ADS).

Submitted concurrently herewith under separate cover for recording is an Assignment.

Attached is a Petition for Extension of Time.

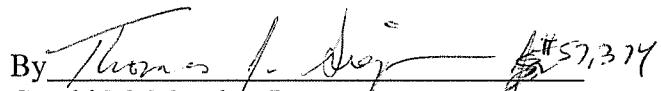
The Government Filing Surcharge for late filing of oath and/or declaration in the amount of \$130.00 in accordance with 37 C.F.R. §§ 1.494 and 1.492 was previously paid for concurrently with the filing of the application on December 15, 2005.

Attached hereto is the fee transmittal listing the required fees.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to our Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. § 1.16 or under § 1.17; particularly, extension of time fees.

Dated: March 22, 2007

Respectfully submitted,

By 
Gerald M. Murphy, Jr.
Registration No.: 28,977
BIRCH, STEWART, KOLASCH & BIRCH, LLP
8110 Gatehouse Road, Suite 100 East
P.O. Box 747
Falls Church, Virginia 22040-0747
(703) 205-8000
Attorney for Applicant

Attachment(s)



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
 United States Patent and Trademark Office
 Address: COMMISSIONER FOR PATENTS
 P.O. Box 1450
 Alexandria, Virginia 22313-1450
 www.uspto.gov

GMM

U.S. APPLICATION NUMBER NO	FIRST NAMED APPLICANT	ATTY DOCKET NO
10/560,736	Toshiyuki Komori	0230-0232PUS1
<i>June 8 DOCKETED perfect translation Sequence listing 3-22-2007</i>		INTERNATIONAL APPLICATION NO
		PCT/JP04/08025
		IA. FILING DATE
		06/09/2004
		PRIORITY DATE
CONFIRMATION NO. 3727 371 FORMALITIES LETTER  *OC000000022089984*		

Date Mailed: 01/22/2007

NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Copy of the International Application filed on 12/15/2005
- Copy of the International Search Report filed on 12/15/2005
- Information Disclosure Statements filed on 12/15/2005
- Biochemical Sequence Listing filed on 12/15/2005
- Request for Immediate Examination filed on 12/15/2005
- U.S. Basic National Fees filed on 12/15/2005

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Translation of the application into English. Note a processing fee will be required if submitted later than 30 months from the priority date.
- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.
- A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 CFR 1.821(e). If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000). Applicant must provide an initial computer readable form (CRF) copy of the "Sequence Listing" and a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). If applicant desires the sequence listing in the instant application to be identical with that of another application on file in the U.S. Patent and Trademark Office, such request in accordance with 37 CFR 1.821(e) may be submitted in lieu of a new CRF.

ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is cautioned that correction of the above items may cause the specification and drawings page count to exceed 100 pages. If the specification and drawings exceed 100 pages, applicant will need to submit the required application size fee.

For questions regarding compliance to 37 CFR 1.821-1.825 requirements, please contact:

- **For Rules Interpretation, call (571) 272-0951**
- **For Patentin Software Program Help, call Patent EBC at 1-866-217-9197 or directly at 703-305-3028 / 703-308-6845 between the hours of 6 a.m. and 12 midnight, Monday through Friday, EST.**
- **Send e-mail correspondence for Patentin Software Program Help @ ebc@uspto.gov**

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

Registered users of EFS-Web may alternatively submit their reply to this notice via EFS-Web.
<https://sportal.uspto.gov/authenticate/AuthenticateUserLocalEPF.html>

For more information about EFS-Web please call the USPTO Electronic Business Center at **1-866-217-9197** or visit our website at <http://www.uspto.gov/ebc>.

If you are not using EFS-Web to submit your reply, you must include a copy of this notice.

LAMONT M HUNTER

Telephone: (703) 308-9140 EXT 201

PART 1 - ATTORNEY/APPLICANT COPY

U.S. APPLICATION NUMBER NO	INTERNATIONAL APPLICATION NO	ATTY DOCKET NO
10/560,736	PCT/JP04/08025	0230-0232PUS1

FORM PCT/DO/EO/905 (371 Formalities Notice)